

5

Appl. No. 09/821,376
Docket No. 8491
Amendment dated September 14, 2007
Reply to Office Action mailed on May 14, 2007
Customer No. 27752

RECEIVED
CENTRAL FAX CENTER

SEP 14 2007

REMARKS / ARGUMENTS

Applicants thank the Examiner for the consideration given the present application. Claims 1-6, 8-11, 13-15, 17-18 and 20 are pending in the present application. No additional claims fee is believed to be due.

The Examiner has rejected the pending claims under 35 U.S.C. 103(a). In order to advance prosecution, Claim 1 has been amended as shown above. Support for this amendment is found on page 11 of the application as originally filed. With this amendment, the rejection under 103(a) has been overcome because the references of record neither teach nor suggest maltodextrin having a dextrose equivalent of about 22 or less.

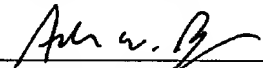
Thus, Applicants respectfully assert that the present invention is not obvious in view of the cited Product Alert and Peroutka references and request that the rejection under 103(a) be withdrawn.

CONCLUSION

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede the basis for the rejections in the Office Action but are simply provided to overcome the rejections made in the Office Action in the most expedient fashion.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance, and the Examiner is requested to pass the case to issue. If the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the Applicants undersigned representative.

Respectfully submitted,

By 
Adam W. Borgman
Attorney for Applicants
Registration No. 57,217
(513) 634-2864

Date: September 14, 2007
Customer No. 27752